

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7067 of 2016

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1. Chitaranjan Tiwari, S/O Sri Ramashankar Tiwari, R/O Vill + P.O.-Dafadihari,
P.S.- Sikroll (Lakh), Distt- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary
2. The District Magistrate, Buxar.
3. The Arms Magistrate, Buxar,
4. The Superintendent of Police, Buxar.
5. The Officer-In-Charge, Sikrol.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Sharma

For the Respondent/s : Mr. ASHOK KUMAR- SC11

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 25-04-2016

Heard parties.

Petitioner is aggrieved by the order dated 29.01.2016 passed by the District Magistrate, Buxar, by which, his application for grant of firearm licence has been rejected on diverse grounds. The first ground is that there is no recommendation by the Superintendent of Police. The second is that though petitioner seeks licence for possessing the firearm which is under the possession of his father who has become too old to hold that and wants transfer in his favour but he has not been able to produce any evidence regarding that. The third



ground is that the petitioner has not been able to produce specific evidence regarding threat perception.

In my view, all the grounds are not tenable in law. There is no requirement under the Arms Act that there should be recommendation by the Superintendent of Police rather the requirement is that there should be recommendation by the officer-in-charge of the nearest police station and it appears that he has already made such recommendation vide Annexure-1 stating that the petitioner requires such arms for protection of his life and property. It has clearly been indicated in the police report that petitioner's father is already holding a firearm licence. However, if the licensing authority wants some enquiry by the Superintendent of Police then he could have made such request and could have got prepared a report from the Superintendent of Police also which has not been done by him.

That apart, it is apparent that petitioner's father is holding a licence and petitioner wants licence for possessing such firearms as his father has become old. Last but not the least, this Court, in *C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar)* and other analogous case, has held that lack of specific evidence regarding threat perception does not



disqualify the applicant for getting licence under Sections 13 or 14 of the Arms Act, 1959.

Accordingly, the writ application succeeds. The impugned order is quashed and set aside and the matter is remitted back to the licensing authority for taking a fresh decision on its own merit and in accordance with law within 4 months from the date of receipt/ production of a copy of this order after taking into consideration the aforesaid decision of this Court.

(Dr. Ravi Ranjan, J)

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